

## Atagi, Tracy

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**Subject:** NHSM petition  
**Location:** DCRoomWest4144GCIVTCPolycom/OLEM

**Start:** Tue 6/21/2022 11:00 AM  
**End:** Tue 6/21/2022 11:45 AM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Young, Jessica  
**Required Attendees:** Luxton, Jane; Crossland, Andy; DeRobertis, Cecilia; Jeffrey T. Miller (Jeff\_Miller@Treated-Wood.org); Hunt, Tim; Atagi, Tracy; Wise, Patrick; O'Connor, Phoebe; Miller, Jesse M.; jstrang@aslrra.org; tromanosky@aar.org; syurasko@aslrra.org  
**Optional Attendees:** Noe, Paul; Clemmensen, Mary; tayyaba.zeb@sba.gov; Sean P. Strong; stephen@stephensmithconsulting.com; david.smat@BNSF.com  
**Resources:** DCRoomWest4144GCIVTCPolycom/OLEM

Updated meeting notice to add additional attendees both for in person and via Microsoft teams (note there is a Teams phone call in number for those who need it, but we'd prefer to have you on video if possible).

This is a hybrid meeting to allow for those that can attend in person at EPA West building room **NEW ROOM that is bigger 4144**, and those that will join via the web conferencing with video and audio through Microsoft Teams. This conference room provides for web/camera conferencing for those that need it. For in-person attendees, please allow for sufficient time to go through [security](#) and **note you must enter the EPA west entrance on Constitution Avenue at 1301 Constitution Ave.**

Once the group has gone through security (make sure to have a Real ID), you'll need to call for an EPA escort. You may call Patrick Wise on the NHSM team at 202-566-0520. This meeting notice can be forwarded to additional attendees for calling in by phone, .

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## Microsoft Teams meeting

### Join on your computer or mobile app

[Click here to join the meeting](#)

### Join with a video conferencing device

[sip:teams@video.epa.gov](mailto:sip:teams@video.epa.gov)

Video Conference ID: 114 929 130 4

[Alternate VTC instructions](#)

### Or call in (audio only)

[+1 571-429-6099](tel:+15714296099),406227965# United States, Arlington

Phone Conference ID: 406 227 965#

[Find a local number](#) | [Reset PIN](#)

For all EPA meetings, there is no expectation of privacy regarding any communications. Participation in a recorded meeting will be deemed as consent to be recorded. Information on EPA systems is the property of the Agency and may become official records.

[Learn More](#) | [Meeting options](#)

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**From:** Luxton, Jane <[Jane.Luxton@lewisbrisbois.com](mailto:Jane.Luxton@lewisbrisbois.com)>  
**Sent:** Monday, June 6, 2022 4:10 PM  
**To:** Young, Jessica <[Young.Jessica@epa.gov](mailto:Young.Jessica@epa.gov)>; Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>  
**Cc:** DeRobertis, Cecilia <[DeRobertis.Cecilia@epa.gov](mailto:DeRobertis.Cecilia@epa.gov)>; Jeffrey T. Miller ([Jeff\\_Miller@Treated-Wood.org](mailto:Jeff_Miller@Treated-Wood.org)) <[jeff\\_miller@treated-wood.org](mailto:jeff_miller@treated-wood.org)>  
**Subject:** RE: NHSM petition

Jessica, thank you. We can make Tuesday, June 21 at 11-11:45 work, and would like to meet then. I will provide a full list of attendees as soon as I have that information, but if it is helpful to have the beginnings of that list, the names available so far are:

Jeff Miller, President and Executive Director, Treated Wood Council  
Tim Hunt, Senior Director, Air Quality Programs, American Forest & Paper Association  
Jane Luxton, Partner, Lewis Brisbois, for Treated Wood Council

It is possible that an additional 3-5 people could attend in person.

Thanks,  
Jane

## Jane C. Luxton

Managing Partner, Washington, DC

Co-chair, Environment, Land, and Natural Resources Law Practice | Co-chair, Administrative Law & Regulatory Practice | Co-chair, Government Investigations and White Collar Defense Practice

202.558.0659 or x2020659; (C) 703.598.3275

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**From:** Young, Jessica <[Young.Jessica@epa.gov](mailto:Young.Jessica@epa.gov)>  
**Sent:** Monday, June 6, 2022 3:09 PM  
**To:** Luxton, Jane <[Jane.Luxton@lewisbrisbois.com](mailto:Jane.Luxton@lewisbrisbois.com)>; Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>  
**Cc:** DeRobertis, Cecilia <[DeRobertis.Cecilia@epa.gov](mailto:DeRobertis.Cecilia@epa.gov)>; Miller, Jeff <[Jeff.Miller@lewisbrisbois.com](mailto:Jeff.Miller@lewisbrisbois.com)>  
**Subject:** [EXT] RE: NHSM petition

Unfortunately, that date and time no longer works. Here are a few additional times below:

Tuesday June 14: 11-11:45 am or 1-1:45 pm

Wednesday June 15: 1-1:45 pm or 3-3:45 pm

Tuesday June 21 11-11:45 am

Please let me know if any of these work for you and members of the group.

Thanks,  
Jessica

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Jessica Young  
Chief of the Recycling and Generator Branch  
Office of Resource Conservation and Recovery  
Work Cell: 571-721-9460  
NEW Desk phone as of Oct 22: 202-566-0522

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**From:** Luxton, Jane <[Jane.Luxton@lewisbrisbois.com](mailto:Jane.Luxton@lewisbrisbois.com)>  
**Sent:** Monday, June 6, 2022 11:43 AM  
**To:** Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>  
**Cc:** Young, Jessica <[Young.Jessica@epa.gov](mailto:Young.Jessica@epa.gov)>; DeRobertis, Cecilia <[DeRobertis.Cecilia@epa.gov](mailto:DeRobertis.Cecilia@epa.gov)>; Miller, Jeff <[Jeff.Miller@lewisbrisbois.com](mailto:Jeff.Miller@lewisbrisbois.com)>  
**Subject:** RE: NHSM petition

Dear Mr. Crossland:

My apologies for being unable to contact you sooner, but a key member of the group was unable to provide schedule clarification until this morning. If the June 13, 2022 meeting slot at 2-2:45 is still available, we would like to meet then. If that time is no longer available, would you please provide dates the following several weeks that would work on your end?

Thank you,

Jane

## **Jane C. Luxton**

**Managing Partner, Washington, DC**

**Co-chair, Environment, Land, and Natural Resources Law Practice | Co-chair, Administrative Law & Regulatory Practice | Co-chair, Government Investigations and White Collar Defense Practice**

202.558.0659 or x2020659; (C) 703.598.3275

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**From:** Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>  
**Sent:** Wednesday, May 25, 2022 4:47 PM  
**To:** Luxton, Jane <[Jane.Luxton@lewisbrisbois.com](mailto:Jane.Luxton@lewisbrisbois.com)>

**Cc:** Young, Jessica <[Young.Jessica@epa.gov](mailto:Young.Jessica@epa.gov)>; DeRobertis, Cecilia <[DeRobertis.Cecilia@epa.gov](mailto:DeRobertis.Cecilia@epa.gov)>

**Subject:** [EXT] NHSM petition

Dear Ms. Luxton,

Thank you for your request to meet and discuss the proposed denial of the Non-Hazardous Secondary Materials (NHSM) Rulemaking Petition. I am the Director of the Materials Recovery and Waste Management Division within the Office of Resource Conservation and Recovery, where the NHSM program is housed. Acting Assistant Administrator Breen and Deputy Assistant Administrator Waterhouse's calendars are full and they asked that we follow up so that we do not delay an opportunity for you to meet with EPA and explain your position. We will be glad to meet with you and hear your concerns about the proposed denial. Please note that we will not be able to have a substantive discussion on the NHSM petition, since we are in the deliberative stage of the rulemaking process, responding to comments.

I see you're requesting an in-person meeting. Currently EPA has just begun returning to the office. The best chance of an in-person meeting is to aim for a Tuesday, but it may still yield a hybrid meeting with many of the EPA folks participating virtually.

Please let us know your preference to meet during following times:

Tuesday 5/31 9:15-10; 12-12:45; 2-2:45

Thursday 6/02 9:15-10

Tuesday 6/07 9:15-10

Monday 6/13 11-11:45; 2-2:45; 2:45-3:30

Thank you,

Andy

Andy Crossland

Director, Materials Recovery and Waste Management Division

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

(202) 853-4459

[Crossland.andy@epa.gov](mailto:Crossland.andy@epa.gov)